



To the Honorable Council
City of Norfolk, Virginia

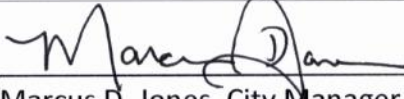
February 9, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption at 401 Granby Street, Suite B – Lamia's Crepes**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-12**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption
- IV. **Applicant:** Lamia's Crepes
- V. **Description:**
 - Granting this request will allow a new restaurant, Lamia's Crepes, to open and serve alcoholic beverages to its patrons in a vacant suite in the Metro on Granby building.
 - The applicant also proposes to sell alcoholic beverages for off-premises consumption.
 - The establishment is primarily a take-away restaurant
 - This application is part of the Downtown Norfolk Council's Vibrant Spaces Program.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances

Planning Commission Public Hearing: January 28, 2016

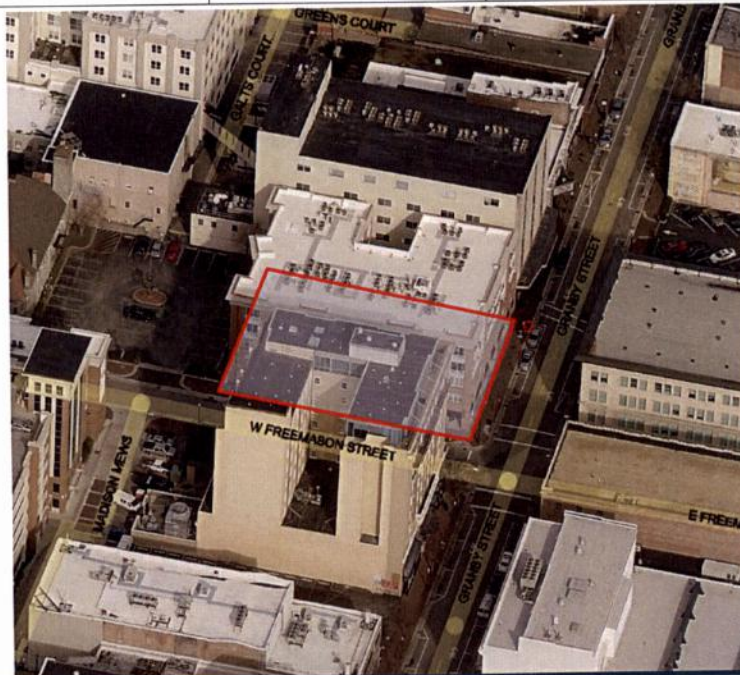
Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

[Signature]

[Signature]

| | | |
|----------------------|----------------------------|--|
| Staff Report | Item No. 12 | |
| Address | 401 Granby Street, Suite B | |
| Applicant | Lamia's Crepes | |
| Request | Special Exception | a. Eating and drinking establishment b. Sale of alcoholic beverages for off-premises consumption |
| Property Owner | GNK, LLC | |
| Site Characteristics | Building Area/Space | 15,856 sq. ft./564 sq. ft. |
| | Future Land Use Map | Downtown |
| | Zoning | D-3 (Freemason/Granby Conservation and Mixed Use District) and HO-D (Downtown Historic Overlay District) |
| | Neighborhood | Downtown |
| | Character District | Downtown |
| Surrounding Area | North | D-3: Vacant adjacent suite/Sweet Teas |
| | East | D-3: Granby Municipal Building |
| | South | D-3: The Greenhouse Kitchen |
| | West | D-3: Apartment units and parking lot |



A. Summary of Request

- Granting this request will allow a new restaurant, Lamia's Crepes, to open and serve alcoholic beverages to its patrons in a vacant suite in the Metro on Granby building.
- The applicant also proposes to sell alcoholic beverages for off-premises consumption.
- The establishment is primarily a take-away restaurant
- This application is part of the Downtown Norfolk Council's Vibrant Spaces Program.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-3 district, which permits the proposed use by special exception.

| | Proposed |
|---|--|
| Hours of Operation | 7:00 a.m. until 12:00 midnight, Seven Days a Week |
| Hours for the Sale of Alcoholic Beverage for On- Premises and Off-Premises Consumption | 10:00 a.m. until 12:00 midnight, Seven Days a Week |
| Capacity | 4 seats indoors 9 seats outdoors 14 total capacity |

- Special Exception history:

| City Council Approval | Applicant | Request |
|-----------------------|----------------|--|
| Pending | Lamia's Crepes | <ul style="list-style-type: none">• Eating and drinking establishment• Sale of alcoholic beverages for off-premises consumption |

ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this primarily take-away restaurant will generate 380 new vehicle trips per day
- Based upon ITE data, the prior retail use of the site would be expected to generate 24 weekday trips while the proposed new restaurant would be expected to generate 404 trips on weekdays.
- The site is near transit services with the Monticello Avenue TIDE light rail station located just to the east of this location.

E. Historic Resources Impacts

- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing building.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.
- The proposed outdoor dining and signage requires that the applicant obtain approval for signage and a Certificate of Approval from the Architectural Review Board

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

The application was sent to Downtown Norfolk Council and Downtown Norfolk Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Eating and Drinking Establishment – Conditions

- (a) The hours of operation for the establishment shall be from 7:00 a.m. until 12:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages for on-premises consumption shall be from 10:00 a.m. until 12:00 a.m., seven days a week.
- (c) The seating for the establishment shall not exceed 4 seats indoors, 6 seats outdoors, and the total occupant capacity, including employees, shall not exceed 14 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the

premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 12:00 a.m., seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold for off-premises consumption in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by

reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Downtown Norfolk Council and Downtown Norfolk Civic League

Proponents and Opponents

Proponents

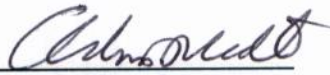
Michael Pitner - Applicant
401 Granby Street, Suite B
Norfolk, VA 23510

Lamia Pappas
401 Granby Street, Suite B
Norfolk, VA 23510 – Applicant

Rick Henn
1400 Granby Street, Unit 407
Norfolk, VA 23510

Opponents

Form and Correctness Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

GB
Contents Approved:

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "LAMIA'S CREPES" ON PROPERTY LOCATED AT 401 GRANBY STREET, SUITE B.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to The Palmier Group, LLC authorizing the operation of an eating and drinking establishment named "Lamia's Crepes" on property located at 401 Granby Street, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 113 feet, more or less, along the western line of Granby Street and 140 feet, more or less, along the northern line of West Freemason Street; premises numbered 401 Granby Street, Suite B.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages for on-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week. No sales of alcoholic beverages outside the hours of operation set listed herein shall be permitted.
- (c) The seating for the establishment shall not exceed 4 seats indoors, 6 seats outdoors, and the total occupant capacity, including employees, shall not exceed 14 people. The use authorized by this special exception shall not commence until a

certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage

the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted

General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on

the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (4 pages)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 11/24/15

Trade name of business LANIA'S CREPES

Address of business 401 GRANBY ST, SUITE B, NORFOLK, VA 23510
THE PALMIER GROUP, LLC

Name(s) of business owner(s)* MICHAEL PITNEY, LANIA PAPPAS

Name(s) of property owner(s)* _____

Daytime telephone number (757) 332-3753

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

| Facility | | Alcoholic Beverage Sales | |
|----------|---|--------------------------|---|
| Weekday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Weekday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |
| Friday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Friday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |
| Saturday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Saturday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |
| Sunday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Sunday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |

2. Type of ABC license applied for (check all applicable boxes)
☒ On-Premises ☒ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for
☒ Beer ☒ Wine ☒ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?
 (Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

PRINCIPALS HAVE 10 YRS EXPERIENCE IN FULL-SERVICE
RESTAURANT OPERATIONS

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-1752 Fax (757) 441-1569

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

4
0
0

b. Outdoor

Number of seats

6

c. Number of employees

4

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 14

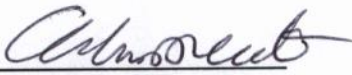
DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-1752 Fax (757) 441-1560

Form and Correctness Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "LAMIA'S CREPES" ON PROPERTY LOCATED AT 401 GRANBY STREET, SUITE B.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to The Palmier Group, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Lamia's Crepes" on property located at 401 Granby Street, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 113 feet, more or less, along the western line of Granby Street and 140 feet, more or less, along the northern line of West Freemason Street; premises numbered 401 Granby Street, Suite B.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is

earlier.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) All beer sold for off premises consumption shall be in a package containing a minimum of six (6) bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this

Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection,

refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (2 pages)



EXHIBIT "A"

Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 11/24/15
 Name of business: LAWIA'S CREPES
 Address of business: 401 GRANDY ST, SUITE B, NORFOLK, VA 23510
THE PALMER GROUP, LLC
 Name(s) of business owner(s)*: MICHAEL PITNEY, LAWIA PAPPAS
 Name(s) of property owner(s)*: Biddy Adams
 Name(s) of business manager(s)/operator(s): MICHAEL PITNEY, LAWIA PAPPAS
 Daytime telephone number (757): 332-3753

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

| Facility | | Alcoholic Beverage Sales | |
|----------|---|--------------------------|---|
| Weekday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Weekday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |
| Friday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Friday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |
| Saturday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Saturday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |
| Sunday | From <u>0700</u> To <u>2400</u> <u>12:00 midnight</u> | Sunday | From <u>1000</u> To <u>2400</u> <u>12:00 midnight</u> |

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

NA PML

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

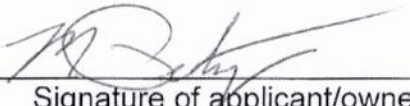
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:


Signature of applicant/owner

Location Map

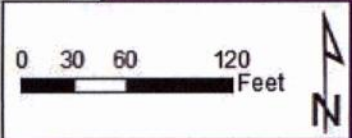
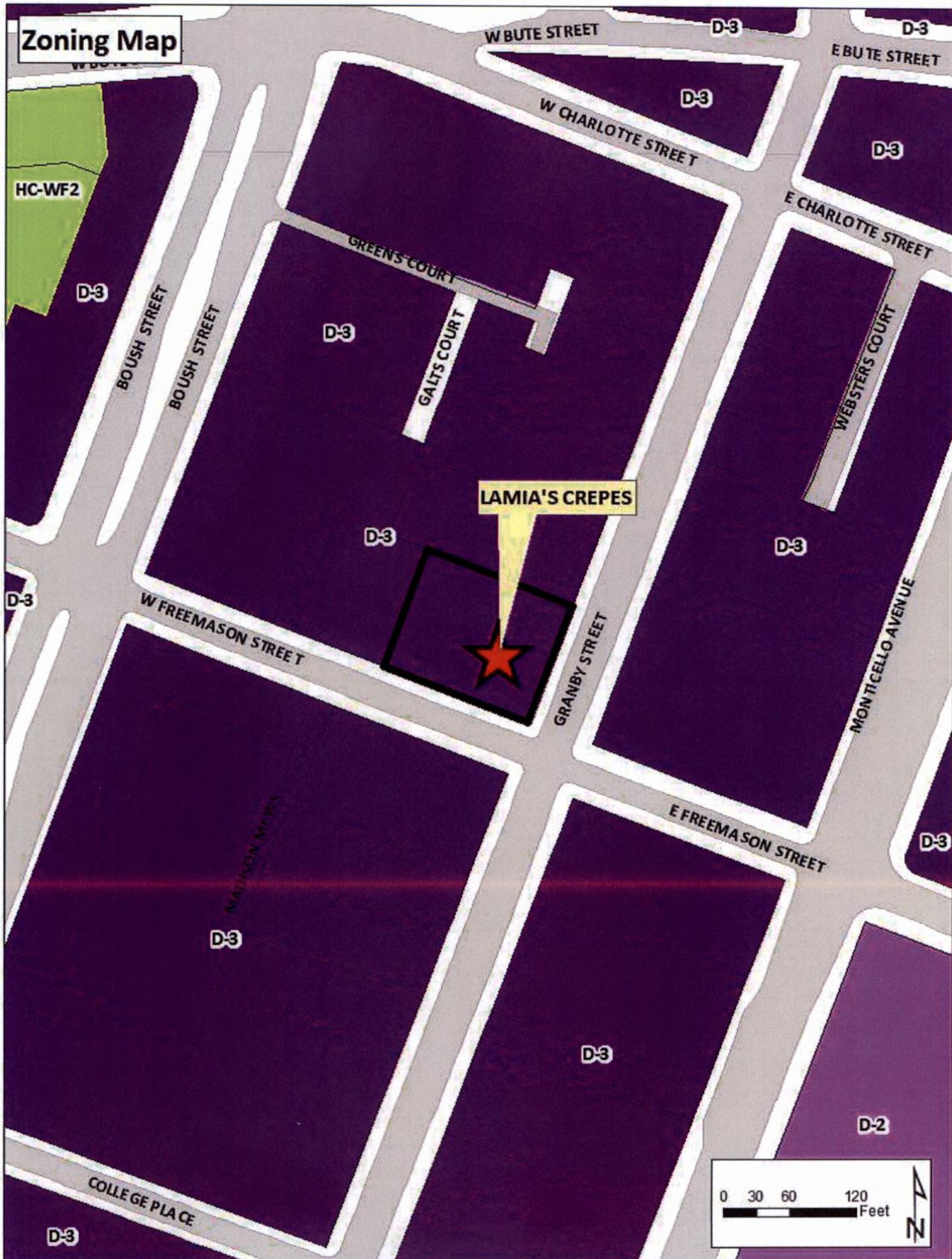


LAMIA'S CREPES

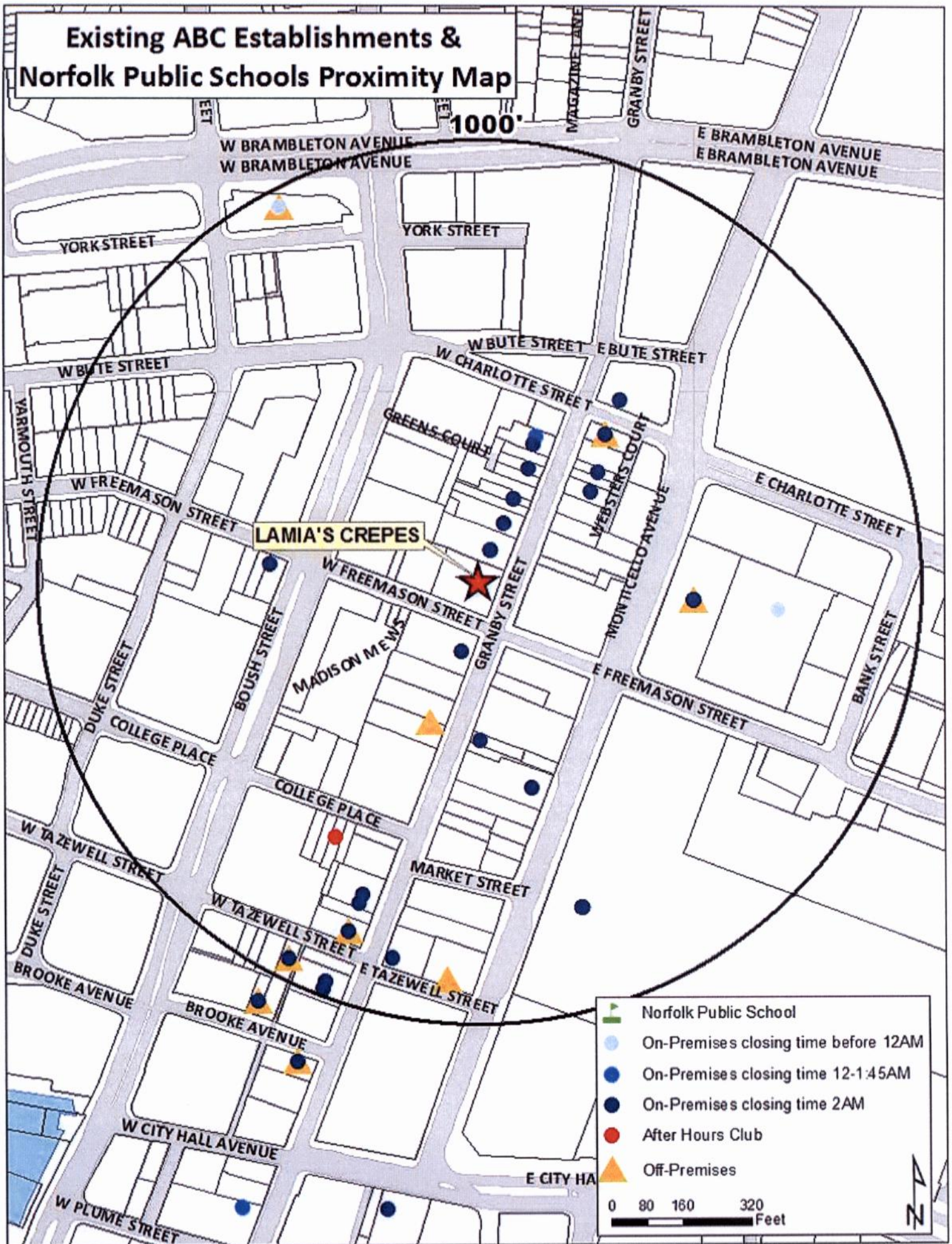
0 10 20 40 Feet



Zoning Map



Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 11/24/15

DESCRIPTION OF PROPERTY

Address 401 GRANBY ST, SUITE B, NORFOLK, VA 23510

Existing Use of Property VACANT

Proposed Use TAKE-AWAY CREPERIE

Current Building Square Footage ± 564

Proposed Building Square Footage ± 564

Trade Name of Business (if applicable) LAWIN'S CREPES

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

THE PALMIER GROUP, LLC

1. Name of applicant: (Last) PITNEY (First) MICHAEL (MI) P

Mailing address of applicant (Street/P.O. Box): 1513 BOSTWICK PLACE #303

(City) CHESAPEAKE (State) VA (Zip Code) 23320

Daytime telephone number of applicant (757) 332-3753 Fax () _____

E-mail address of applicant: mppitney@gmail.com

**Application
Eating and Drinking Establishment
Page 2**

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HEW (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRADY ST NORFOLK VA
(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant () 415 6905 Fax () _____

E-mail address of applicant: RICKHEW CONSULTING@GMAIL.COM

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) GADAMS (First) Boddy (MI) 5

Mailing address of property owner (Street/P.O. box): 1407 GRADY
(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner () _____ email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin

Date(s) contacted: _____

Ward/Super Ward information: _____

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664 4752 Fax (757) 441 1560

Application
Eating and Drinking Establishment
Page 3

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Frank G Adams Sign: [Signature] 11/20/15
(Property Owner) (Date)

Print name: MICHAEL PITNEY Sign: [Signature] 11/24/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: [Signature] Sign: Rick Hearn 11/24/15
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

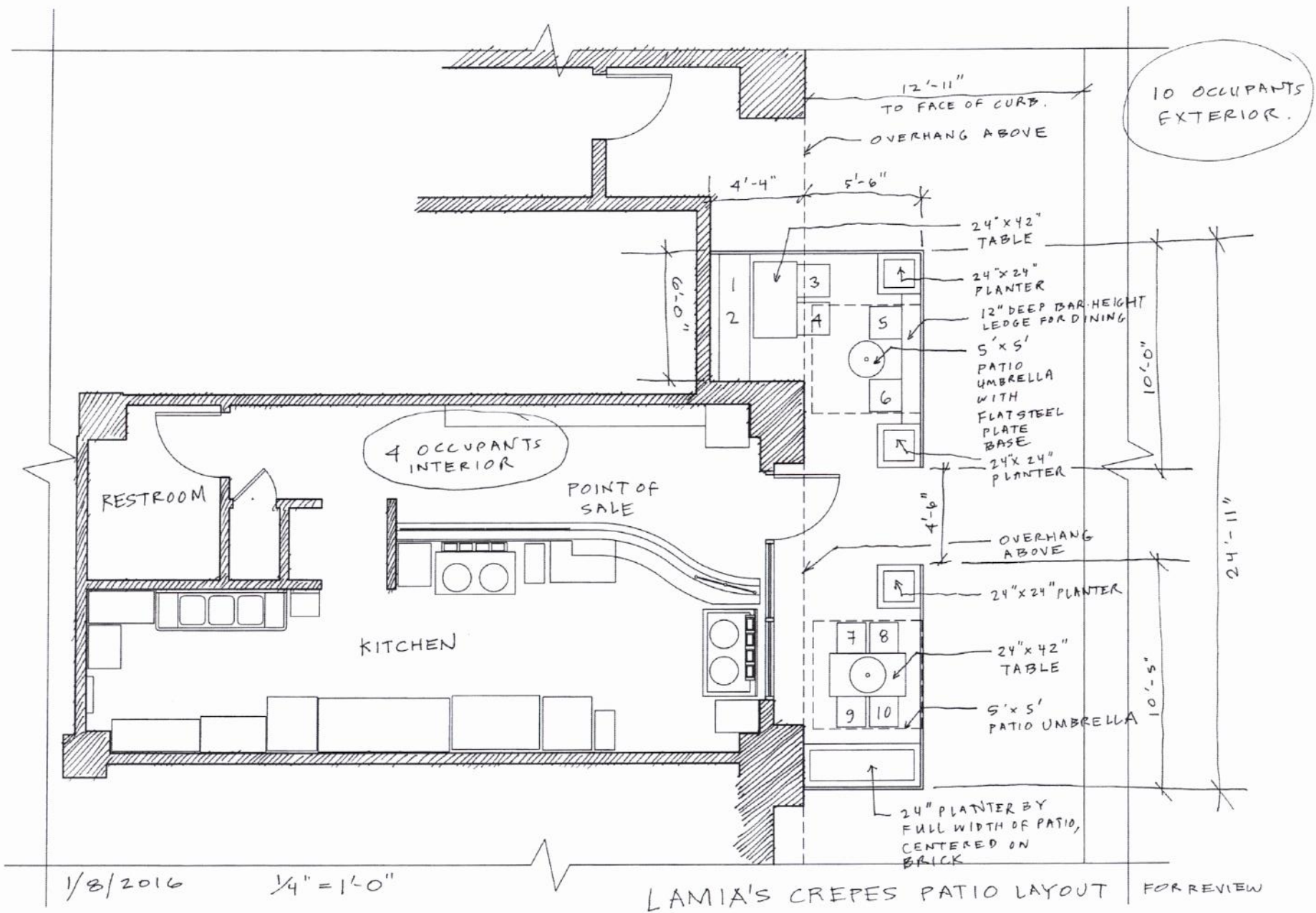
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1560



FOODSERVICE SOLUTIONS DESIGN CONSULTANTS 12-7-15





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 11/24/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 401 (Street Name) GRANDY ST, SUITE B

Existing Use of Property VACANT

Current Building Square Footage 1564

Proposed Use TAKE-AWAY CREPERIE

Proposed Building Square Footage 1564

Trade Name of Business (If applicable) LAWIA'S CREPES

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

THE PALMER GROUP, LLC

1. Name of applicant: (Last) PITNEY (First) MICHAEL (MI) P

Mailing address of applicant (Street/P.O. Box): 1513 BOSTWICK PL #303

(City) CHESAPEAKE (State) VA (Zip Code) 23320

Daytime telephone number of applicant (757) 332-3753 Fax () _____

E-mail address of applicant: mpitney@gmail.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HEW (First) PICK (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRANG

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant () 6156905 Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) GADAMS (First) Buddy (MI) _____

Mailing address of property owner (Street/P.O. box): 207 GRANG ST

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 672-9055 email: BGADAMS@MARATHON
development.com

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin

Date(s) contacted: _____

Ward/Super Ward information: _____

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Frank G Adams Sign: [Signature] 11/30/15
(Property Owner) (Date)

Print name: MICHAEL PITNEY Sign: [Signature] 11/24/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: [Signature] Sign: Rick Hawk 11/27/15
(Authorized Agent Signature) (Date)

Blough, Christopher

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 11:54 AM
To: 'dncl@welovenorfolk.org'; Miller, Mary
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject: new Planning Commission applications - 401 Granby Street
Attachments: Lamias_ABC-OFF.pdf; Lamias_eatinganddrinking.pdf

Mr. Murphy and Ms. Miller,

Attached please find the following applications at 401 Granby Street, Suite B:

- a. Special exception to operate an eating and drinking establishment.
- b. Special exception for the sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough* at (757) 664-6771, christopher.blough@norfolk.gov

Thank You.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569